

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No: 10 CIV 2702

-----X
JUSTIN ARMSTRONG,

Plaintiff,

-against-

EXPERT DISCLOSURE

"JOHN DOE" NEW JERSEY STATE
TROOPERS 1-5, 150 RFT VARICK CORP.
d.b.a. GREENHOUSE USA, "JOHN DOE"
GREENHOUSE SECURITIES 1 & 2,
JON BAKHSHI, BARRY MULLINEAUX,
FRANK PROCO, JOHN BEST, MERLIN BOB
WILLIS, TIM REGISFORD, GREG
ANNUNZIATA and W & M OPERATING
L.L.C.,

Defendants,

-----X

1. Attached hereto are the reports of Dr. Robert S. April. The opinions of Dr. April are set forth in the reports.
2. The basis/reason for the opinions are a review of the plaintiff's medical records, deposition transcript of plaintiff and Sancho Scott (to be forwarded to Dr. April upon receipt of same) and examination of Mr. Armstrong.
3. A resume of Dr. April is attached along with a list of cases Dr. April has testified in the last 4 years.
4. Dr. April's compensation is as follows:

Independent Medical Examination	\$ 850.00
Hourly Review	\$ 400.00
Trial Appearance inclusive of pre-trial meetings for Trial	\$6,500.00

Jennifer & Oscar Arrietta	Bronx Supreme
Rosario v. Agramonte - Index No: 111434/04	New York Supreme
Brenes v. Griggs - Index No: 21564/03	Queens Supreme
Dramaine Kieta v. C&C Fund Sales Index No: 111301/03	Queens Supreme
Peter D' Anna Index No: 27726/00	Queens Supreme
Lepadate v. BMW Index No: 13426/05	Queens Supreme
Roberta Lawrence	Workers Compensation Board
Max Moreno	Federal Court
Elketha Roth	New York Supreme
Maria Hernandez	Bronx Supreme
Alicia Delacruz Index No: 14302/01	Bronx Supreme
Yee Mee Wong	Queens Supreme
Palumbo/Brucculiere	Federal Court Judge Pohorosky
Richard Kelley Index No: 6690/05	Bronx Supreme
Altamirano	New York Supreme
Alric E. Sutherland Index No: 31927/04	Kings Supreme
Leonardo/Karen Monteverde	Bronx Supreme
Adonna Frometa	Federal Court

Gary Fabrikant
Index No: 108138/06

Queens Supreme

Francisco Lima
Index 18331/06

Queens Supreme

Tommy Bauer

New York Supreme

Denise Blackwell

New York Supreme

Jean Clary Hussey
Index No: 107305/04

New York Supreme

Haydee Murillo
Index No: 107381/06

New York Supreme

Robert Durkin
Index No: 108690/05

New York Supreme

Adam Silvera

Arbitration before Judge Hughes

John Hunahan

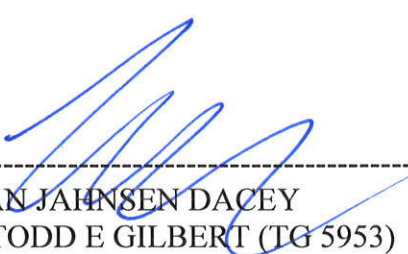
Carlos Collado

New York Supreme

Donald Bohnik
Index No: 8713/07

Bronx Supreme

Dated: May 3, 2011
Brooklyn New York



BOLAN JAHNSEN DACEY
BY: TODD E GILBERT (TG 5953)
Attorney for Defendants
JON BAKHSHI, BARRY MULLINEAUX,
FRANK PORCO, JOHN BEST, MERLIN BOB WILLIS,
TIM REGISFORD, GREG ANNUNZIATA
1400 Avenue Z - Ste 505
Brooklyn New York 11235
718-368-0000

TO:

Neal Brickman (NB0874)
LAW OFFICE OF NEAL BRICKMAN PC
Attorney for Plaintiff
317 Madison Avenue 21st Floor
New York NY 10017
212-986-6840

AFFIDAVIT OF SERVICE BY EFILE

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)

TODD E GILBERT, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides in NEW YORK.

That on the 6th day of May, 2011, deponent served the within **Expert Disclosure** upon:


TO:

Neal Brickman (NB0874)
LAW OFFICE OF NEAL BRICKMAN PC
Attorney for Plaintiff
317 Madison Avenue 21st Floor
New York NY 10017
212-986-6840

Parties in this action, at the addresses designated by said attorneys for that purpose by electronically filing.


TODD E GILBERT

Sworn to before me this
6th day of May 2011

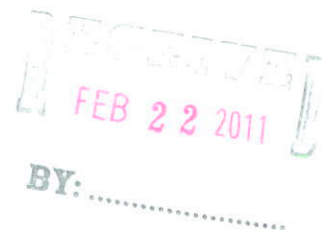

Notary Public



Mr. Justin Armstrong
February 11, 2011

1

Robert S. April M.D. P.C.
Four East 88th Street
New York, New York 10128
Phone (212) 722 7800



Mr. Todd E. Gilbert
Bolan Jahnsen Dacey
Counsellors at Law
1400 Avenue Z
Brooklyn, New York 11235

To Whom It May Concern:

RE: Mr. Justin Armstrong, age 24
Date of Accident: January 06, 2010

This is the neurological liability examination for the above named, 24-year-old male plaintiff who came to this office alone and gave the following history.

He stated on the above date he was assaulted and hit over the head with two bottles of alcohol. He was knocked out momentarily and when he awakened, he was bleeding from the head and told by the paramedics who came to the site of the accident that he should be taken to the hospital. He refused. They wrapped his scalp wound and left him at the site.

Asked how he is now, he responded, "I still have headaches and recurrent pains a couple of times a week. When it happens I go to sleep."

He explained he is unemployed at the present time, but that he has begun an entertainment company, which he hopes will succeed. He was in a very big hurry to catch a plane after this examination, which he said he was going to take from LaGuardia. He had come to this examination by taxi cab.

He stated, when asked about higher intellectual functions, that "My memory, I do not want to say it is messed up, but when it first happened I felt dumb like I could not do anything at all. I had trouble with conversations and so forth, but gradually I have become better and now I only have pain, which I feel basically in my neck passing on to the top of the my head to the front of my head. I do not take medication, I am not on drugs."

On the other hand, he admitted that Dr. Zaharakis had put him on Lexapro because he was having panic attacks -- such as, waking at night, thinking he was having a heart attack. It took him a while to accommodate this and he finally did and it is no longer present. He is not taking Lexapro at this time.

Mr. Justin Armstrong
February 11, 2011

He states that sometimes when he is asked to talk, the speech is slow, but for the most part it is normal. He knows what he is doing and what he wants to say. He explained that he sells sponsorships for entertainment programs. When he is up in front of people with a presentation, he sometimes has to hesitate or has difficulty getting the words out.

He denied other accidents and personal injury matters. He denied illnesses. He does not drink or smoke.

NEUROLOGICAL EXAMINATION IN THIS OFFICE: He was a very large young man who was perfectly healthy and looked to be in no distress. He was 6 ft 3 in, 230 lbs and had a BP 110/70, PR 80, and R 20. The only external sign of injury was a healed scar on the left occiput. It measures less than 1 inch. It was not tender to palpation.

CRANIAL NERVE EXAMINATION: There were full eye movements, pupillary constriction, facial symmetry, speech output, and range of motion of the neck. The latter was 90° lateral rotation with 40° extension and full flexion to chest (normal range is 75-90° lateral rotation, 40-60° extension and full flexion to chest). The neck movement was not associated with radiating pain to the neck and shoulder. Shoulder shrug was full. The plaintiff had no problems with hearing or vision.

MOTOR EXAMINATION: Motor power was 5/5 in the muscles of upper and lower limbs on individual muscle testing. There was no atrophy to inspection or measurement. Fasciculations were not in evidence. There was no problem with the gait and stance. Biceps were 34-cm bilaterally, forearms were 30-cm and the calves measured 33-cm. Fasciculations were not in evidence. Tandem walking was normal. The plaintiff could walk on toes and heels without difficulty. Tremor and rigidity were absent. All reflexes were present and equal in upper and lower limbs (including triceps, biceps, periosteal, patellar and Achilles reflexes). Babinski sign was absent. Romberg sign was absent.

MECHANICAL EXAM: Straight leg raising was negative to 80° bilaterally (normal range is 75° to 90°) without pain. Bowstring sign was absent. There was no trouble sitting unaided. Percussion and palpation of the vertebral column were unremarkable. There was no spasm of the paraspinal musculature. The range of motion of the lumbar spine was 90° flexion, 45° extension, 50° left and right lateral bending, and 50° right and left thoracolumbar rotation (normal range is 75-90° flexion, 40-60° extension, 45-60° lateral bending and 40-60° rotation). Range of motion of the upper limbs was normal – that is, 180° extension at the shoulder and full reach behind the back, without limitation in pronation, supination, elbow flexion (130°) and wrist flexion (90°). There was no Tinel sign or other signs of carpal tunnel syndrome. All range of motion measurements were done with reference to an orthopedic protractor.

SENSORY EXAMINATION: Perception of touch, pin and vibration was normal and symmetrical in all limbs and the parts of the body axis that was stimulated, particularly both upper extremities. There was no mottling of skin or changes in local temperature or skin turgor.

Mr. Justin Armstrong
February 11, 2011

3

IMPRESSION: There were no objective neurological findings.

Based on my examination, I have concluded with reasonable medical certainty that the accident record might have produced a cerebral concussion, but no permanent brain damage and no neurological diagnosis of any permanency.

He is not disabled and is independent in all activities of daily living.

There was no need for further neurological intervention.

I, Robert S. April MD, being a physician duly licensed to practice medicine in the State of New York, pursuant to CPLR Section 2106, hereby affirm under the penalty of perjury that the statements contained herein are true and accurate and that this examination was performed for purposes of examination with respect to the incident described and does not imply a doctor-patient relationship.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert S. April', with a long, sweeping horizontal stroke extending to the right.

Robert S. April, M.D.

RSA/vvc

P-21808

Enclosure (Photo)

Mr. Justin Armstrong
April 1, 2011

1

Robert S. April M.D. P.C.
Four East 88th Street
New York, New York 10128
Phone (212) 722 7800

Mr. Todd E. Gilbert
Bolan Jahnsen Dacey
Counsellors at Law
1400 Avenue Z, 505
Brooklyn, NY 11235

Re: Mr. Justin Armstrong
Date of Accident: January 06, 2010

Dear Mr. Gilbert:

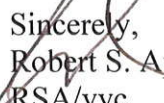
I am in receipt of your March 7, 2011, letter including plaintiff's records from St. Vincent's Hospital and Dr. Bush.

Let me tabulate my review of these new data which will serve as supplemental to the report of February 11, 2011, already filed with you.

- Handwritten office notes from Dr. Michael Bush are difficult to read. They state the facts of the history and his treatment at SVH, his normal vital signs, and his generally normal examination. There is statement that EKG and ESR will be done but the other conclusions are illegible. The questionnaire about general health was readable and conveys the picture of a healthy young man.
- EKG is normal.
- St. Vincent's Hospital ER records were read. They are dated three days after the accident of record. He complained of subjective dizziness. Vital signs were stable with rapid pulse.
- Discharge diagnosis is laceration, facial/scalp contusions.
- He noted that there was no loss of consciousness after the injury but that he had pain, nausea and vomiting since the date of accident.
- Work up included normal CT scan of brain.

These data do not lead to any change of opinion from that already expressed about this matter in my prior communication of February 11, 2011.

I, Robert S. April MD, being a physician duly licensed to practice medicine in the State of New York, pursuant to CPLR Section 2106, hereby affirm under the penalty of perjury that the statements contained herein are true and accurate and are my own work product.


Sincerely,
Robert S. April, M.D.
RSA/vvc
P-21808.2

'Curriculum Vitae of Robert S. April MD MA
Updated August, 2010

BORN: July 17, 1936
Los Angeles, California
Married : Four Children, two grandchildren

EDUCATION: University of California, Berkeley, 1956, B.A. (major French lit)
Summer course for foreign students University of Grenoble, 1956
University of California School of Medicine, 1960, MD.
MA, Graduate School Arts and Sciences, NYU, 2009 (French lit)

HONORS:

Phi Eta Sigma
Phi Beta Kappa

POST DOCTORAL TRAINING:

General Rotating Intern, The Mount Sinai Hospital NYC, 1960-61
Assistant Resident, Neurology, The Mount Sinai Hospital, NYC
1961-63, Chief M.B. Bender, M.D.
Resident in Pathology, Laboratory of Neuropathology,
The Downstate Medical Center, Brooklyn, NYC 1963-64
Chief: S.M. Aronson M.D. Fellow and Research Associate
Laboratories of Clinical Neurophysiology and Electroculography
The Mount Sinai Hospital, NYC, 1964-66
Rusk Institute Rotation Fall, 1963, assigned to the care of mutilated
victims of the Algerian War (attending the inaugural ceremony of
Algeria to the UNO)
N.I.N.D.B. Special Fellowship 2F11 NB 1113-02 in Laboratory of
Physiology, NYU Medical School, 1966-68. Laboratory of W.A.
Spencer, M.D., and Eric Kandel, M.D.
Fellow of Then National Multiple Sclerosis Society in the M.R.C.
Cerebral Functions Group, University College, London England.
Mentor: Professor P.D. Wall

TEACHING POSITIONS:

Instructor, Neurology, The Mount Sinai Medical School, NYC
1964-66
Associate Professor, Neurology, NY Medical College, 1973-80
Lecturer to Medical Students, Clinical, NYU Medical School
Clinical Assistant Professor, Mount Sinai Medical School, 1980-
present
Faculty, NYC Medical School, 2000-present

HOSPITAL AND ADMINISTRATIVE POSITIONS:

Consultant in Neurology, Bureau of Disability Insurance, Social

'Curriculum Vitae of Robert S. April MD MA
Updated August, 2010

Security Administration, Baltimore, Maryland, 1969-73
Chairman, Symposium on Pain at the Fifth Joint Meeting of the
US Public Health Service 1969

ADMINISTRATIVE POSITIONS: (cont'd)

Clinical Society and Commissioned Officer's Association, U.S.
Public Health Service, Washington, D.C., April 2, 1970
Assistant Chief of Medicine (neurology), U.S. Health Service
Hospital, Baltimore, Maryland, 1969-71
Neurologist, Rosewood State Hospital for the Mentally Defective,
1972-73
Chief, Neurology Service, New York Medical College Center for
Chronic Disease, Bird S. Coler Hospital, Roosevelt Island NYC,
1973-80
Vice President of Medical Board, Bird S. Coler Hospital 1973-74
Scientific Advisory Committee, Genetic Disease Foundation,
2005 – present
Attending neurologist, Lenox Hill Hospital, 1977 to present
Attending neurologist, Mt. Sinai Hospital, 1983 to present
Board Member, Cooperative Bldg at 4 E 88th St.
Scientific Advisory Board: The Genetic Disease Foundation of Mt.
Sinai Medical Center, NYC
Governmental Affairs Committee, NY Academy of Medicine

MEDICAL SCHOOL COMMITTEES:

Member, Nominating Committee Medical Board, BSCH, 1975
Member, Research Committee, BSCH, 1974-90
Elected Delegate: Alternative to New York State Medical Society
Meeting representing New York Country, November, 1982
Board of Directors, Alumni Association, Mount Sinai Medical
Center, present

MEMBERSHIPS:

Member of Committee to Combat Huntington's Disease
Fellow, American Academy of Neurology 2005-present
New York County Medical Society, 1973-Present
Eastern EEG Society
Societe Francaise de Neurologie, 1977-Present
American EEG Society, 1975-Present
Society of Neuroimaging, 1988-Present
American Society for Electrodiagnostic Medicine
Fellow, New York Academy of Medicine, 2000-present

'Curriculum Vitae of Robert S. April MD MA
Updated August, 2010

Board of Directors, Park East Management, 4 E. 88th St.- present
Member, Rare Book Room Committee NY Acad of Med - present

BOARD CERTIFICATIONS:

National Board of Medical Examiners, 1961
Diplomate of the American Board of Psychiatry and Neurology,
1967
Certified by The American Board of Qualification in EEG, 1974

COMPLETED MILITARY SERVICE:

Senior Surgeon®, U.S. Public Health Service, 1969-71

ACTIVE MEDICAL LICENSES:

California: A19968
New York: 090419 registration #, 062239

PRESENT HOSPITAL AFFILIATIONS:

Lenox Hill Hospital, NYC
Manhattan Eye, Ear and Throat Hospital, NYC
Mount Sinai Hospital, NYC
New York University Medical Center

WORKER'S COMPENSATION RATING:

PN-N

OFFICE ADDRESS:

4 East 88th Street NYC 10128

RESIDENCE:

1185 Park Ave., NYC 10128

PUBLICATIONS:

April, R.S., Discussion in Clinico-Pathological Conference, Aronson
S.M. Editor, Diseases of the Nervous System, 24:757-63, 1964

Sher, J.M., April, R.S., and Aronson, S.M. "Disseminated Micro-
Abscesses of the Central Nervous System; J Neuropath, 24:175-76
1965.

'Curriculum Vitae of Robert S. April MD MA
Updated August, 2010

Shanzer, S., April, R.S., and Atkin, A., "Seizures Induced by Eye Deviation", Arch, Neurology, 13:621-23, 1965

Diamond, S.P., and April, R.S., "Observations on the Organization Of Perceptual Space", Abstr., 8th Intl. Congress Neurology, 1965 pp. 198-99

April, R.S., "Observations on Parkinsonian Tremor in All-Night Sleep", Neurology, 16:720-73, 1966

April, R.S., and Spencer, W.A., "Synaptic Disuse and Enhanced Synaptic Effectiveness at Clarke's Column Relay", Neurology, 18:303, 1968

April, R.S., and Spencer, W.A., Enhanced Ascending Monosynaptic Responses to Activation of Group I Afferents from Tenotomized, Defferented Muscles", The Physiologist, 10:139, 1969

April, R.S., and Spencer, W.A., "Enhanced Synaptic Effectiveness Following Prolonged Changed in Synaptic Use". Experientia, 25:1272-73, 1969

April, R.S., and Spencer, W.A., "Plastic Properties of Monosynaptic Pathways in Mammals", in Horn, R., and Hinde, A., Short Term Changes in Neural Activity and Behavior, Cambridge University Press, 1970

April, R.S., "The Brain and Recovery of Function" Speech and Hearing Review, 8:2-20, Summer, 1976

Processing:, in The Neuropsychology of Language, Essays in Honor Of Eric Lenneberg, Rieber, R.W., Editor, Plenum Press, 1976

April, R.S., and Vansonnenberg, E., A Case of Neuro-Myelitis Optica (Devic's Syndrome) in Systemic Lupus Erythematosus", Neurology, 26:1066-70, 1976

April, R.S., and Tse, P.C., "Crossed Aphasia in a Chinese-English Bilingual Dextral", Arch Neuro, 34 (12): 766-70, 1977

April, R.S., and Tse, P.C., Letters to the Editor "In Response to Dr. Charles Wintergreen", Arch Neuro, 35:694, 1978

April, R.S., "Concepts actuels sur l'organisation cérébrale du langage, à partir de quelques cas d'aphasie croisées chez des orientaux bilingues", Rev. Neurologique (Paris) 134(11): 715 novembre, 1978

Curriculum Vitae of Robert S. April MD MA
Updated August, 2010

April, R.S., and Tse, P.C. Letters to the Editor: "Crossed Aphasia In a Chinese Bilingual Dextral", Arch Neuro, 36:253, April, 1979

April, R.S., and Han, M., "Crossed Aphasia in a Chinese Bilingual Dextral", a second case, Arch Neuro, 37:342-346, June 1980

April, R.S., Letters to the Editor: "In Response to Dr. R. Malcolm and colleagues", Unruptured cerebral aneurysms presenting as Recurrent transient neurologic deficits", Neurology, 31:229-30, 1981

April, R.S., "Neurological Complications of Diabetes", Practical Diabetology, 5:Sept/Oct, 1985, 1-3

April, R.S., "The Neurological Examination" in Percutaneous Laser Disc Decompression, ED. D.S.J. Choy, in J.Cl Laser Med Surgery, 13, Je 95

April, R.S., and Lanfranchi, R., :Clinical Criteria to Rule Out Cervical Spinal Injury. Letter to the Editor", NEJM.343, 2000

April, R.S., "Representation of the Dead Body in Literature and Medical Writings during the Restoration in France (1799-1848)" in Klaver, Elizabeth, Ed., Images of the Corpse from the Renaissance to Cyberspace, U. Wisconsin Press, 2004, pp. 63-87

April, Robert S. « La Mort de Nana. La petite vérole et la maladie infectieuse au temps de Zola », Excavatio 20:163-175, 2005

April, Robert S. « La Paralysie de Madame Raquin. Zola était-il Aussi neurologue? » dans Zola et le texte naturaliste en Europe Et aux Amériques. Gural-Migdal, A., et Snipes-Hoyt, C., Eds. The Edwin Mellen Press, Lewiston, NY. Pp 97-109., 2006

Glatter, R., April, R., Miskovitz, P., Neistadt, D. Severe Recurrent Abdominal Pain: An Anatomical Variant of Chiladiti's Syndrome. Medscape General Medicine. 2007; 9(2):67 <http://www.medscape.com/viewarticle/557684>

April R. "Zola's Utopian novel. The Use of Scientific Knowledge in Literary New World Models", in Klinkert Thomas, Neuhofer Monika, Literatur, Wissenschaft und Wissen seit der Epochenschwelle um 1800. Walter de Gruyter, Berlin, 2008.

April, R.S. "Emile Zola's Moral Outrage: The Ethics of Whistle-Blowing Then and Now, Conversations, issue 8, Autumn 2010, pp 71-82

'Curriculum Vitae of Robert S. April MD MA
Updated August, 2010

PRESENTATIONS:

April, R.S., and Holtzman, R.N., A case of neurosarcoid of the
Brains Brainstem, Differential Diagnosis, Management and

April, R.S., "Laserothérapie pour l'algie discale lombaire" presented
At Meeting of French Society of Neurology, Paris, July, 1994

April, R.S., and Choy, D.S.J., Laser Treatment of Herniated Lumbar
Discs submitted as abstracts to 47th Annual Meeting of American
Academy of Neurology, May 1995

April, R.S., Alzheimer's Disease, Lenox Hill Hospital, November
29, 1998

April, R.S., Course in Neuromuscular Disease, P.A. School for Pace
College, May 2000

April, R.S., X Annual Conference of Aizen in Philadelphia, Genetics
Of Neurological Disease in the XIXth Century Writings of Emile
Zola 2001. The Genealogy of the Rougon Maquart Family and
Concepts of Heredity in XIXth Century France

April, R.S., Poster Presentation at Alpine Brain Imaging Meeting,
Campervy, Switzerland, Jan 11-15, 2009. "What can Functional
Brain Imaging do for the neurological clinician"?

April, R.S., A case of spontaneous internal carotid artery dissection and
The Genetics of Loopy Arteries: Neurogenetic conference Jan 25, 2011,
Mt. Sinai Hospital Dept of Genetics and the Human Genome.

RECENT PRESENTATIONS:

April, R.S., XI Annual Conference of Aizen at University of Jaen Spain,
June, 2002., Madame Raquin's Paralysis, Locked in Syndrome and
Paralysis in XIXth Century Literature

April, R.S., XII Annual Conference of Aizen at University of Texas, San
Antonio, Texas, June 2003, Hysteria, Zola, Lourdes, Charcot and Beyond

April, R.S., XIII Annual Conference of AIZEN in Rio de Janeiro,
Brazil. The Death of Nana. Smallpox and Infectious Disease in
Zola's Time.

'Curriculum Vitae of Robert S. April MD MA
Updated August, 2010

April R.S. Science and Dr. Pascal. A course given to students in Comparative Literature at the University of Saarbrücken, Germany, Nov 21, 2005

Chairman, Dinner meeting to discuss a case of Chailditi's Syndrome. Sponsored by Pfizer Pharmaceuticals. Dec 1 2005

Presentation at British Association of Friends of Emile Zola in Aix en Provence, October 21, 2007, "The Effect of the Premature Death of Emile Zola's Father on his Life Work and Symptoms". (in publication)

Speaker at Eleventh Annual Meeting of the Traumatic Brain Injury Association of New York, March 28, 2008, at Hospital for Joint Disease, New York City. "TBI: What is our Common Denominator of Definition?"

Poster Presentation at Annual Meeting of Alpine Brain Imaging Society, Champéry, Switzerland, January 11-14, 2009. "The neurology of Belief. What functional brain imaging can tell the neurologist."

April, R., Baudry, F., and Lowder, G. "The value of insight therapy in the treatment of psychological non-epileptic seizures", to be presented October 28-31, 2010, Controversies in Neurology, meeting of the European Neurological Society, Barcelona, Spain

April, R. "The Problem of Dementia with anti Parkinson medication" Case presentation Grand Rounds of Neurology Department, Lenox Hill Hospital, November 23, 2010